

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

Acquafredda Enterprises, LLC,

Debtor.

Case No. 23-11064 (MG)
Chapter 11

**ORDER GRANTING RELIEF
FROM THE AUTOMATIC STAY**

On December 12, 2023, the Amended Motion (the “Motion,” ECF Doc. # 51) of Avail 1 LLC (“Movant”), dated November 9, 2023, came before the Court, for relief from the automatic stay with respect to the collateral known as 3093 Casler Place, Bronx, NY 10465 (Block 5529, Lot 488); 3094 Dare Place, Bronx, NY 10465 (Block 5529, Lot 487); 3098 Dare Place, Bronx, NY 10465 (Block 5529, Lot 489); 3091 Casler Place, Bronx, NY 10465 (Block 5529, Lot 500); and N/A Dare Place, Bronx, NY 10465 (Block 5529, Lot 492) (the “Collateral”).

This is the Debtor’ third Chapter 11 bankruptcy case filed in this Court, each filed to avoid foreclosure of the Collateral. The previous two cases and the dates of their filing and dismissal are as follows: Case No. 13-10269 (CGM), Filed 1/30/2013, Dismissed: 5/5/2016; Case No.: 18-12419 (SHL), Filed: 8/9/2018, Dismissed: May 22, 2020.

The Court, having considered the evidence presented and the arguments of the parties, and with good cause appearing therefor, it is hereby,

ORDERED, that the automatic stay pursuant to 11 U.S.C. §362(a), is hereby terminated pursuant to 11 U.S.C. §§362(d)(1) and (2) due to Debtor’s failure to provide movant with adequate protection and lack of equity in the Collateral.

ORDERED, that the Movant, its agents, assigns or successors- in-interest, may take any and all action under applicable state law to exercise its remedies against the Collateral.

Dated: December 13, 2023
New York, New York

s/Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge